

Sixth Appellate District

San Jose, California

MONDAY, JANUARY 26, 2009

H031575 KUO v. SUN

The judgment is affirmed. (not published)
(Elia, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed January 26, 2009

H033242 PEOPLE v. JEFFERSON

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed January 26, 2009

H032772 ANDERSON v. BARNES, et al.

The October 3, 2007 order granting defendants' special motion to strike the complaint is affirmed. Costs on appeal are awarded to respondents. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed January 26, 2009

H032641 MARRIAGE OF ZDENKA AND HERMAN ASTER

By the Court*:

Appellant's petition for rehearing is denied.
Filed: January 26, 2009
*Before Rushing, P.J., Premo, J. and Elia, J.

TUESDAY, JANUARY 27, 2009

The following cases are submitted this date:

H033174 In re MARCOS A., et al.; SANTA CRUZ COUNTY HRA v. MARIA G.

H032697 PEOPLE v. GUERRERO, et al.

H032427 HECTOR OROPEZA on Habeas Corpus

The order granting Oropeza's petition for writ of habeas corpus is reversed. The superior court is directed to enter a new order denying the petition (not published)
(Premo, J.; We concur: Rushing, P.J., Duffy, J.)
Filed January 27, 2009

Sixth Appellate District

San Jose, California

Tuesday, January 27, 2009 (continued)

H032235 PEOPLE v. GARIBAY

The judgment is reversed, and the matter is remanded to the trial court with directions to strike either the receiving or theft conviction, and to resentence defendant accordingly. The probation order is reversed and remanded with directions to (1) determine whether the probationary term is three years or four years, and (2) strike standard condition number 5. (not published)

(Mihara, J.; We concur: Rushing, P.J., McAdams, J.)
Filed January 27, 2009

H032819 PEOPLE v. APODACA

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed January 27, 2009

WEDNESDAY, JANUARY 28, 2009

H032634 PEOPLE v. LAWLOR

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 28, 2009

H032707 PEOPLE v. FLORES

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed January 28, 2009

H032168 PEOPLE v. LLOYD

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 28, 2009

H033078 PEOPLE v. ULISSES A.

The order appealed from is modified to provide that appellant shall not possess, display, or wear any insignia, clothing, logo, or paraphernalia known to him to signify membership in or affiliation with any street gang. As so modified, the order is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 28, 2009

H032125 BEDOLLA v. AGLONY

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed January 28, 2009

Sixth Appellate District

San Jose, California

Wednesday, January 28, 2009 (continued)

H031976 PEOPLE v. TRAN

The order extending defendant's commitment is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed January 28, 2009

H032067 GREAT OAKS WATER CO. v. SANTA CLARA VALLEY WATER DIST.

The judgment is affirmed. (published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed January 28, 2009

H032230 PEOPLE v. IBANEZ

The judgment is modified to reduce defendant's fine under former section 290.3 of the Penal Code \$200, the fine then in effect (Stats. 1995, ch. 91, § 121, pp. 346-347). The trial court shall direct the parties to present their views on the application of penalty assessments to that fine. When the court has determined the total of the fine and any penalty assessments, it shall prepare a modified abstract of judgment reflecting the amount of the fine and any penalty assessments and forward the same to the Department of Corrections and Rehabilitation. With this modification, the judgment is affirmed (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed January 28, 2009

H032584 PEOPLE v. GIL

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Rushing, P.J., Premo, J.)

Filed January 28, 2009

H031395 HUYNH ON HABEAS CORPUS

The trial court's order granting Huynh's petition for writ of habeas corpus is affirmed. The Governor's 2006 decision is vacated and the Board's 2005 decision granting Huynh parole is reinstated on the conditions stated therein. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed January 28, 2009

THURSDAY, JANUARY 29, 2009

H031959 PEOPLE v. DIXON

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed January 29, 2009

Sixth Appellate District

San Jose, California

Thursday, January 29, 2009 (continued)

H031453 PEOPLE v. WELLS

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed January 29, 2009

H031876 PEOPLE v. ZUNIGA

The judgment is reversed. The matter is remanded to the trial court for it to hold a hearing to redetermine the amount of the restitution fund fine and matching parole revocation restitution fine in accordance with its assurance that the amount would be based on defendant's ability to pay. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 29, 2009

H031834 PEOPLE v. GAUWAIN

The order extending defendant's MDO commitment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 29, 2009

H032504 MARTINEZ v. MARTINEZ

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed January 29, 2009

H031694 PEOPLE v. BARAJAS

The judgment is affirmed. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed January 29, 2009

FRIDAY, JANUARY 30, 2009

H033058 INSYST, LTD. v. APPLIED MATERIALS, INC., et al.

The motion to dismiss the appeal is denied. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 30, 2009